



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

January 30, 1998

Ms. Tamara Armstrong  
Assistant County Attorney  
Travis County  
P.O. Box 1748  
Austin, Texas 78767

OR98-0303

Dear Ms. Armstrong:

You ask this office to reconsider our ruling in Open Records Letter No. 97-2469 (1997). Your request for reconsideration was assigned ID# 113359.

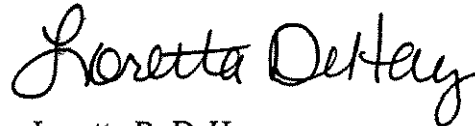
The Travis County Health and Human Services Department (the "department") received a request for all records which "your Department and the Services for the Deaf maintain on the Austin Stress Clinic." In Open Records Letter No. 97-2469 (1997), this office concluded that the department could not withhold certain information under section 552.101 as criminal history information, and other information under section 552.107.

Regarding our conclusion under section 552.101, you explain that the information you have highlighted "concerns named individuals who were on probation for the commission of an offense, but are no longer on probation for the offense." You argue that this marked information constitutes criminal history record information. We disagree. Where an individual's criminal history information has been compiled by a governmental entity, the information takes on a character that implicates the individual's right to privacy. *See United States Dep't. of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749 (1989). The department has not compiled the criminal history of the highlighted individual, it merely refers to this person in a narrative. We do not believe that the highlighted information reveals the criminal history of a person.

With respect to your arguments under section 552.107, you have provided us with additional arguments in an attempt to demonstrate the applicability of section 552.107 to this request for information. A governmental body must explain the reasons why the stated exceptions apply within fifteen days of receiving the request. *See Gov't Code §552.301.*

You did not timely submit all your arguments under section 552.107 in connection with the department's original request for a ruling. We, therefore, affirm Open Records Letter No. 97-2469 (1997). If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Deputy Chief  
Open Records Division

LRD/rho

Ref.: ID# 113359

Enclosures: Submitted documents

cc: Ms. Mary Grout  
ASC Managing Partner  
Austin Stress Clinic  
1030 South Lamar, Suite H  
Austin, Texas 78704  
(w/o enclosures)